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10/679,689	10/07/2003	Ernst B. Riemann	0002792.0002	3566

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EXAMINER	
NGUYEN, TOAN D	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/679,689	RIEMANN ET AL.	
	Examiner	Art Unit	
	Toan D. Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-30 and 32-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *23-30 and 32* is/are allowed.

6)☒ Claim(s) *33-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (US 5,657,446) in view of Evans et al. (US 5,631,954).

For claim 33, Pinard et al. disclose local area communications server, comprising:

a plurality of telephone means (figure 1, reference 15, col. 3 line 9);

an external interface means (figure 2, reference 21, col. 3 lines 21-24) for coupling said computer data computer network (figure 1, reference 4, col. 3 lines 7-8) to at least one outside trunk line (figure 3, reference 19) of a public switched telephone

network (PSTN) (figure 3, reference 17, col. 5 lines 15-16), wherein said external interface means translates telephony transmissions from the PSTN (figure 1, reference 17), to data for transmission over said computer data computer network (col. 3 lines 58-67);

software means for said computer data computer network (figure 1, reference 14), said software means comprising first means of a private branch exchange (PBX) that are connected to the computer data computer network (col. 3 line 15);

said software means comprising second means for receiving requests for service over said computer data computer network (figure 2, reference 4) for any of said plurality of telephones means (figure 2, reference 5)(col. 3 lines 32-41, and col. 5 lines 11-40);

said software means comprising third means for establishing bi-directional media streams over said computer data computer network (figure 2, reference 4) between any two of said telephone means upon receiving a request over said computer data computer network for calling one of said plurality of telephone means from another of said plurality of telephone means (col. 4 lines 17-25, and col. 4 lines 64-66); and

said software means comprising fourth means for establishing bi-directional media streams over said computer data computer network (figure 3, reference 4) between any one of said plurality of telephone means and said interface to said PSTN upon receiving a request over said computer network (figure 3, reference 4) for an outside line for said one of said plurality of telephone means (col. 5 lines 11-51).

However, Pinard et al. do not expressly disclose said software means comprising first means for performing the functions of a private branch exchange (PBX) for said plurality of telephone means. In an analogous art, Evans et al. disclose said software means comprising first means for performing the functions of a private branch exchange (PBX) for said plurality of telephones means (col. 4 lines 46-47).

One skilled in the art would have recognized the first means for performing the functions of a private branch exchange (PBX) for said plurality of telephone means, and would have applied Evans et al.'s PBX in Pinard et al.'s PBX. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Evans et al.'s method and apparatus for controlling a telephone in Pinard et al.'s local area communications server with the motivation being allowed the telephone set to be used for normal unfeatured calls (col. 4 line 49-51).

For claim 34, Pinard et al. disclose local area communications server, comprising:

a plurality of telephone means (figure 1, reference 15, col. 3 line 9);

an external interface means (figure 2, reference 21, col. 3 lines 21-24) for coupling said computer data computer network (figure 1, reference 4, col. 3 lines 7-8) to at least one outside trunk line (figure 3, reference 19) of a public switched telephone network (PSTN) (figure 3, reference 17, col. 5 lines 15-16), wherein said external interface means translates telephony transmissions from the PSTN (figure 1, reference 17), to data for transmission over said computer data computer network (col. 3 lines 58-67);

software means for said computer data computer network (figure 1, reference 14), said software means comprising first means of a private branch exchange (PBX) that are connected to the computer data computer network (col. 3 line 15);

said software means comprising second means for receiving requests for service over said computer data computer network (figure 2, reference 4) for any of said plurality of telephones means (figure 2, reference 5)(col. 3 lines 32-41, and col. 5 lines 11-40); and

said software means comprising third means for establishing bi-directional media streams over said computer data computer network (figure 3, reference 4) between any one of said plurality of telephone means and said interface to said PSTN upon receiving a request over said computer network (figure 3, reference 4) for an outside line for said one of said plurality of telephone means (col. 5 lines 11-51).

However, Pinard et al. do not expressly disclose said software means comprising first means for performing the functions of a private branch exchange (PBX) for said plurality of telephone means. In an analogous art, Evans et al. disclose said software means comprising first means for performing the functions of a private branch exchange (PBX) for said plurality of telephones means (col. 4 lines 46-47).

One skilled in the art would have recognized the first means for performing the functions of a private branch exchange (PBX) for said plurality of telephone means, and would have applied Evans et al.'s PBX in Pinard et al.'s PBX. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Evans et al.'s method and apparatus for controlling a telephone in Pinard et al.'s local area

communications server with the motivation being allowed the telephone set to be used for normal unfeatured calls (col. 4 line 49-51).

For claim 35, Pinard et al. disclose local area communications server, comprising:

a plurality of telephone means (figure 1, reference 15, col. 3 line 9);

an external interface means (figure 2, reference 21, col. 3 lines 21-24) for coupling said computer data computer network (figure 1, reference 4, col. 3 lines 7-8) to at least one outside trunk line (figure 3, reference 19) of a public switched telephone network (PSTN) (figure 3, reference 17, col. 5 lines 15-16), wherein said external interface means translates telephony transmissions from the PSTN (figure 1, reference 17), to data for transmission over said computer data computer network (col. 3 lines 58-67);

software means for said computer data computer network (figure 1, reference 14), said software means comprising first means of a private branch exchange (PBX) that are connected to the computer data computer network (col. 3 line 15);

said software means comprising second means for receiving requests for service over said computer data computer network (figure 2, reference 4) for any of said plurality of telephones means (figure 2, reference 5)(col. 3 lines 32-41, and col. 5 lines 11-40);

said software means comprising third means for establishing bi-directional media streams over said computer data computer network (figure 2, reference 4) between any two of said telephone means upon receiving a request over said computer data

computer network for calling one of said plurality of telephone means from another of said plurality of telephone means (col. 4 lines 17-25, and col. 4 lines 64-66).

However, Pinard et al. do not expressly disclose said software means comprising first means for performing the functions of a private branch exchange (PBX) for said plurality of telephone means. In an analogous art, Evans et al. disclose said software means comprising first means for performing the functions of a private branch exchange (PBX) for said plurality of telephones means (col. 4 lines 46-47).

One skilled in the art would have recognized the first means for performing the functions of a private branch exchange (PBX) for said plurality of telephone means, and would have applied Evans et al.'s PBX in Pinard et al.'s PBX. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Evans et al.'s method and apparatus for controlling a telephone in Pinard et al.'s local area communications server with the motivation being allowed the telephone set to be used for normal unfeatured calls (col. 4 line 49-51).

4. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (US 5,657,446) in view of Evans et al. (US 5,631,954) further in view of Henley et al. (US 5,526,353).

For claims 36 and 37, Pinard et al. disclose local area communications server, comprising:

a software means of a private branch exchange (reference PBX) operatively coupled to said computer data network(figure 1, reference 4)(col. 3 line 15);

a PSTN interface means (figure 2, reference 29) for coupling the computer data network (figure 3, reference 4) to a public switched telephone network (figure 3, reference 17)(col. 5 lines 11-16);

a plurality of telephone means (figure 1, reference 15, col. 3 line 9);

telephone interface means (figure 2, reference 21) for coupling said plurality of telephone means (figure 2, reference 5) to said computer data network (col. 3 lines 21-24).

However, Pinard et al. do not expressly disclose a software means performing the functions of a private branch exchange running on at least one computer. In an analogous art, Evans et al. disclose a software means performing the functions of a private branch exchange running on at least one computer (col. 6 lines 52-58).

One skilled in the art would have recognized the software means performing the functions of a private branch exchange running on at least one computer, and would have applied Evans et al.'s PBX in Pinard et al.'s PBX. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Evans et al.'s method and apparatus for controlling a telephone in Pinard et al.'s local area communications server with the motivation being to provide the personal computer thereby takes control of commanding the PBX to implement the special features requests by the user via the keyboard 11, and communicates via the network 38 or the equivalent and host computer 44 with the PBX (col. 6 lines 54-58).

However, Pinard et al. in view of Evans et al. do not expressly disclose said telephone interface means converting analog signals into digital data for transmission over said computer data network; and

software means for controlling the signaling between said plurality of telephone means and said network, whereby said computer data network acts as a switch for connecting any of said telephone means to a called party.

In an analogous art, Henley et al. disclose said telephone interface means (figure 2, reference 240) converting analog signals into digital data for transmission over said computer data network (col. 9 lines 65-67); and

software means for controlling the signaling between said plurality of telephone means (figure 1, references 110, 112, 114, 162 and 164) and said network (figure 1, reference 100, col. 8 line 28-29), whereby said computer data network acts as a switch for connecting any of said telephone means to a called party (figure 1, reference 140, col. 8 lines 30-33, and col. 8 lines 41-42).

Henley et al. disclose wherein said computer network is one of a: asynchronous transfer mode (ATM), Ethernet, or Internet Protocol (IP) network (col. 8 line 42 as set forth in claim 37).

One skilled in the art would have recognized said telephone interface means converting analog signals into digital data for transmission over said computer data network, and would have applied Henley et al.'s Ethernet-type computer network backbone 130 in Pinard et al.'s PBX. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Henley et al.'s system and

method for communication of audio data over a packet-based network in Pinard et al.'s local area communications server with the motivation being to provide the analog-to-digital and digital-to-analog conversion for the audio data (col. 9 lines 66-67).

5. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (US 5,657,446) in view of Andersen et al. (US 5,674,003).

For claim 38, Pinard et al. disclose local area communications server, comprising:

(a) coupling a plurality of telephones(figure 1, reference 5) to the computer data network for digital data transmission over the computer data network (col. 3 lines 7-9);

(b) using the computer data network as a PBX for switching between the plurality of telephones for making call from one telephone to another of the plurality of telephones (col. 4 lines 17-25, and col. 4 lines 64-66), or between at least one of the telephones and the public switched telephone network (PSTN)(col. 5 lines 11-51).

However, Pinard et al. do not expressly disclose:

(c) said step (b) comprising assigning priority to the audio signals from the plurality of telephones. In an analogous art, Andersen et al. disclose assigning priority to the audio signals from the plurality of telephones (col. 15 lines 57-58).

One skilled in the art would have recognized the assigning priority to the audio signals from the plurality of telephones, and would have applied Andersen et al.'s telephony connection in Pinard et al.'s PBX. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Andersen et al.'s mechanisms for accessing unique features of telephony networks from a protocol-

independent data transport interface in Pinard et al.'s local area communications server with the motivation being to establish the telephony connection (col. 15 line 8).

For claim 39, Pinard et al. disclose wherein said step (a) comprises connecting the plurality of telephones to one of a: asynchronous transfer mode (ATM) network, Ethernet network, or Internet Protocol (IP) network (figure 1, reference ATM, col. 6 line 13).

Allowable Subject Matter

6. Claims 23-30 and 32 are allowed.

Regarding claim 23, the prior art fails to teach a combination of the steps of:

a control processor that receives said outputs from said digital signal processor indicative of detected events, and wherein said control processor outputs control messages over said data network to a call manager program installed on said data network, wherein said control messages are indicative of said events detected by said digital signal processor, and further wherein said control processor is also coupled to said synchronous-to-asynchronous converter for outputting asynchronous media streams over said data network via said second connection, in the specific combination as recited in the claim.

Response to Arguments

7. Applicant's arguments with respect to claims 23-30 and 32-39 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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